

United States Court of Appeals

Eleventh Circuit

56 Forsyth Street, N.W.

Atlanta, Georgia 30303

John Ley
Clerk

March 10, 2010

NOTICE TO ALL COUNSEL OR RECORD:

No. 08-12199 - David W. Corbitt, et al. v. Home Depot U.S.A., Inc.

Dear Counsel:

Enclosed is an order entered by the court directing that this case be reheard en banc. Under Eleventh Circuit Rule 35, the effect of granting rehearing en banc is to vacate the previous opinion and judgment of this court and to stay the mandate.

You will be notified by subsequent correspondence of the schedule for filing en banc briefs, the issue(s) which the court wishes the parties to focus on in their briefs, and the page limitations on them. We will communicate with you at a later time regarding report time and time limitations on oral argument should this case be designated for oral argument.

Sincerely,

JOHN LEY, Clerk

By _____
Joyce T. Pope
Calendar Clerk

Edward Gordon Hawkins (Fax 251-690-7330)
Jeffrey W. Bennett (Fax 205-408-9236)
Joseph F. Lavigne (Fax 504-582-8010)
Clerk, U.S. District Court, Mobile, Alabama
Honorable Callie V.S. Granade

**IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

No. 08-12199

(D.C. Docket No. 06-00860-CV-CG-M)

DAVID W. CORBITT,
ALEXANDER J. RAYA, JR.,

Plaintiff-Appellants,

versus

HOME DEPOT U.S.A., INC.,

Defendant-Appellee.

On Appeal from the United States District Court for the
Southern District of Alabama

(Opinion December 4, 2009, 589 F.3d 1136, 11th Cir. 2009)

(March 10, 2010)

Before DUBINA, Chief Judge, TJOFLAT, EDMONDSON, BIRCH, BLACK, CARNES, BARKETT, HULL,
MARCUS, WILSON, PRYOR, and MARTIN, Circuit Judges.

BY THE COURT:

A member of this Court in active service having requested a poll on whether this case should be reheard by the Court sitting en banc, and a majority of the judges in this Court in active service having voted in favor of granting a rehearing en banc,

IT IS ORDERED that the above cause shall be reheard by this court en banc. The previous panel's opinion is hereby VACATED.